IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | § | |
| Vs. | § | CRIMINAL ACTION 6:06CR83(1) |
| ANTONIO GARCIA, JR. | § | |

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS OF FACT AND
RECOMMENDATION ON FELONY GUILTY PLEA

On this day, the Court considered the Findings of Fact and Recommendation of United States Magistrate Judge Judith K. Guthrie regarding the Defendant's plea of guilty to Count 1 of the Superseding Indictment in the above-numbered cause.  Having conducted a proceeding in the form and manner prescribed by Fed.R.Crim.P. 11, Magistrate Judge Guthrie recommends that the Court accept the plea agreement and the guilty plea of the Defendant.

No objections have been filed to the Magistrate Judge's Findings and Recommendation within the time period set by law, and neither party has requested a *de novo* review of the plea proceedings before the Magistrate Judge.  If a *de novo* review becomes necessary at any point during the pendency of the cause, the Court reserves the right to conduct it.  Based on the current record before the Court, it appearing that the Findings and Recommendation are neither clearly erroneous nor contrary to law, the Court is of the opinion that said Findings and Recommendation should be adopted.  It is accordingly

**ORDERED** that the Findings of Fact and Recommendation of United States Magistrate

Judge Judith K. Guthrie, filed January 29, 2007, is hereby **ADOPTED**.  It is further

**ORDERED** that the Defendant's guilty plea is accepted and approved by the Court.  Further,

the plea agreement is approved by the Court, conditional upon a review of the presentence report.

It is finally

**ORDERED** that, pursuant to the Defendant's plea agreement, the Court finds the Defendant

**GUILTY** of  Count 1 of the Superseding Indictment in the above-numbered cause and enters a

**JUDGMENT OF GUILTY** against the Defendant as to Count 1 of the Superseding Indictment.

**So ORDERED and SIGNED this 20th day of February, 2007.**

_____

**LEONARD DAVIS**
**UNITED STATES DISTRICT JUDGE**